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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/548,082	05/03/2006	Hirokazu Koizumi	Q90091	7605
23373 7590 06/11/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER SONG, DAHJOD	
			ART UNIT 2176	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/548,082

**Applicant(s)**

KOIZUMI ET AL.

**Examiner**

DAEHO D. SONG

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 1/9/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This is the initial Office Action based on the application number 10548082, filed May. 03, 2006. Claims 1-19, as originally filed, are currently pending and have been considered below. Claims 1, 2, 10, 11, 18 and 19 are the independent claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-9 are rejected because the claimed invention is directed to non-statutory subject matter. Claims 1 and 2 recites a "*device*" comprising software components. Thus, the "*device*" recited in Claims 1 and 2 is software *per se*. That is, the "*device*" recited in Claims 1 and 2 lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC §101. Also, the "*device*" recited in Claims 1 and 2 is clearly not a series of steps or acts to be a process nor is it a combination of chemical compounds to be a composition of matter. As such, it fails to fall within a statutory category.

Claims 3-9 depend upon Claim 2, and merely recite additional features of the software modules.

3. Claims 18 and 19 are rejected because the claimed invention is directed to non-statutory subject matter. Claims 18 and 19 recites a "*system*" and "*computer program*", respectively, comprising software components. Thus, the "*system*" recited in Claim 18 and the "*computer program*" recited in Claim 19 are software *per se*. That is, the "*system*" recited in Claim 18 and the "*computer program*" recited in Claim 19 lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC §101. Also, they are clearly not a series of steps or acts to be a process nor is it a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimura et al. (hereinafter Fujimura): U.S. Patent No. 6,778,756.

Fujimura teaches:

*Claim 1. A scroll display control device for scroll-displaying, in synchronism with reproduction of series information (PI) correlated to text information (TI), the corresponding text information (TI) on a text display screen (TW), said scroll display control device comprising means (101, 102, 103 and 104) for changing a scroll speed (v) in said text display screen (TW) on the basis of a text quantity of said corresponding text information (TI) with respect to reproduction time of said series information (PI) (col. 13 lines 30-58: the scrolling speed is determined according to the number of characters/text quantity and the countdown for recording of narration on video, which*

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corresponds to reproduction time of video/series information, while the text video is synchronized with the reproduced video).

*Claim 10. A scroll display control method, in a system for, in synchronism with reproduction of sound, displaying text information (TI) corresponding to the sound in a scroll manner, for displaying the text information by changing a scroll speed (v) adaptable to the sound during reproduction (col. 1 lines 54-67; col. 2 lines 1-20; col. 13 lines 30-57: system of synchronized sound with a text video and displaying the text data according to the scrolling speed).*

5. Claims 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen et al. (hereinafter Rosen): U.S. Patent Application Pub. No. 2004/0201610.

Rosen teaches:

*Claim 11. A scroll display control method, in a system, in synchronism with reproduction of a picture, for displaying and reading text information (TI) corresponding to the picture in a scrolling manner, for performing scroll display by changing a scroll speed (v) adaptable to the picture under reproduction ([0024][0026][0030][0163]: displaying text data corresponding to the image/picture with changing a scroll speed by means of various speed control).*

*Claim 12. The scroll display control method according to claim 11, wherein the text*

*information (TI) to be displayed is text information belonging to a text section corresponding to the picture during reproduction and preceding and succeeding text sections thereof ([0026]: displaying text data during play and forward control function).*

*Claim 13. The scroll display control method according to claim 11, wherein when a text section corresponding to a picture reproduction position is changed, said scroll speed (v) is derived on the basis of a time length of a picture section corresponding to the picture reproduction position and a text quantity of the text section corresponding to the picture reproduction position ([0011]: controlling the scroll speed by time frames and content of text documents).*

*Claim 14. The scroll display control method according to claim 11 or claim 13, wherein said system has a changing function of the display setting of the text to be synchronously displayed with reproduction of the picture, and wherein, when the display setting of the text is changed, said scroll speed (v) is derived on the basis of the changed display setting of the text ([0024][0026][0030]: display setting of the text by the control panel with various scroll speed).*

*Claim 15. The scroll display control method according to claim 14, wherein reproduction of the picture is one of still picture reproduction, n-time (where, n is an integer equal to or greater than 1) reproduction, n-time rewind reproduction, and slow reproduction ([0026][0030]: controlling speed of rewind and slow motion).*

*Claim 16. The scroll display control method according to claim 15, wherein the text quantity of the text section is increased by changing the text display setting when reproduction of the picture is either fast-forward reproduction of at least two-time fast-forward reproduction or rewind reproduction ([0026][0030]: controlling speed of fast-forward).*

*Claim 17. The scroll display control method according to claim 15, wherein the text quantity of the text section succeeding to the text section corresponding to the picture under reproduction is increased by changing the text display setting when reproduction of the picture is slow reproduction ([0026][0030]: play button operation increase the speed of display when image display is in slow motion).*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimura in view of Randall et al. (hereinafter Randall): U.S. Patent Application Pub. No. 2003/0090507.



*Claim 2:*

Fujimura teaches:

*A scroll display control device for scroll-displaying, in synchronism with reproduction of series information (PI) correlated to text information (TI), the corresponding text information (TI) on a text display screen (TW), said scroll display control device comprising:*

*scroll speed calculation means (102) for calculating a scroll speed ( $v$ ) on the basis of at least a time length of a series information section presently during reproduction and quantity of the text belonging to a text section corresponding to the series information section during reproduction (col. 13 lines 30-58: the scrolling speed is determined according to the number of characters/text quantity and the countdown length for recording of narration on video, which corresponds to reproduction time of video/series information, while the text video is synchronized with the reproduced video); and*

Fujimura fails to expressly disclose:

*control means (104) for scroll-displaying the text belonging to the text section at a predetermined reference position of said text display screen (TW) according to said scroll speed ( $v$ ).*

Randall expressly teaches:

*control means (104) for scroll-displaying the text belonging to the text section at a predetermined reference position of said text display screen (TW) according to said scroll speed ( $v$ ) ([0010][0027]: scroll-displaying the text at a predetermined area of a rectangular region of display screen, which corresponds to a predetermined reference position).*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the disclosure of Fujimura to incorporate with the displaying of the predetermined area of a rectangular region of display screen, as taught by Randall, in order to maintain synchronization between text information and visual image information (see [0010]).

Fujimura further teaches:

*Claim 3. The scroll display control device according to claim 2, further comprising a text display setting information memory (103) for variably storing display setting information of the text displayed on said text display screen wherein said scroll speed calculation means (102) calculates said scroll speed ( $v$ ) of the text on the basis of the length of the series information section during reproduction, the quantity of the text belonging to the text section corresponding to the series information section during reproduction, and the display setting information (col. 13 lines 30-67; col. 14 lines 1-5: the scrolling speed is determined according to the number of characters/text quantity, the countdown length*

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for recording of narration on video, which corresponds to reproduction time of video/series information while the text video is synchronized with the reproduced video, and the display setting information such as ways of displaying of text video).

*Claim 4. The scroll display control device according to claim 3, wherein said text display setting information memory (103) variably stores a plurality of scroll methods and said control means (104) scroll-displays the text according to the selected scroll method (col. 14 lines 1-5: various scrolling methods according to starting point of the displayed text video).*

*Claim 6. The scroll display control device according to claim 3, further comprising user instruction input means (105) for dynamically changing the text display setting information (col. 5 lines 65-67: the user input for the countdown end time of text display).*

*Claim 8. The scroll display control device according to claim 2, further comprising storage means (101) for searchably storing the series information (PI) and the text information (TI) (col. 13 lines 1-10: a storage medium for storing text data and video data).*

*Claims 5, 7 and 9:*

Fujimura fails to disclose a predetermined reference position.

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Randall expressly teaches the predetermined reference position, and specific disclosure of particular claims are as following:

Randall teaches:

*Claim 5. The scroll display control device according to claim 3, wherein said text display setting information memory (103) variably stores a predetermined reference position of said text display screen (TW) (fig. 1; [0010][0027]).*

*Claim 7. The scroll display control device according to claim 2 or claim 5, wherein text of a preceding text section preceding the text section and text of a succeeding text section succeeding the text section are respectively displayed in two adjacent areas across the text section displayed at the reference position (fig. 1).*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the disclosure of Fujimura to incorporate with the displaying of the predetermined area of a rectangular region of display screen, as taught by Randall, in order to maintain synchronization between text information and visual image information (see [0010]).

*Claim 9:*

Fujimura fails to disclose:

*The scroll display control device according to claim 2, wherein the series information (PI) and the text information (TI) corresponding thereto can be acquired by making*

*access to a server for providing the series information (PI) and the text information (TI).*

Randall teaches:

*The scroll display control device according to claim 2, wherein the series information (PI) and the text information (TI) corresponding thereto can be acquired by making access to a server for providing the series information (PI) and the text information (TI) ([0006][0007]: remotely control multimedia presentations over internet server).*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the disclosure of Fujimura to incorporate with the accessing to a server for providing the video text data, as taught by Randall, in order to control remotely the text information and visual image information over the internet (see [0006]).

*Claims 18 and 19:*

The subject matter recited in Claims 18 and 19 corresponds to the subject matter recited in Claim 2. Thus Fujimura, in view of Randall, discloses every limitation of Claims 18 and 19, as indicated in the above rejections for Claim 2.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 5712724137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daeho D Song/  
Examiner, Art Unit 2176

/Rachna S Desai/  
Primary Examiner, Art Unit 2176